

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 18-1110****September Term, 2018****Filed On:** December 18, 2018

In re: James L. Colvin,

Petitioner

**BEFORE:** Tatel, Griffith, and Srinivasan, Circuit Judges

**ORDER**

Upon consideration of the application to enforce an administrative agency order, which has been construed as a petition for writ of mandamus, the responses thereto, and the reply; the motion to strike the response of respondent Securus Technologies; the unopposed motion for leave to file an amended reply, and the lodged reply; the motion to appoint counsel; and the motion to compel respondents to pay petitioner's litigation costs, it is

**ORDERED** that the motion for leave to file an amended reply be granted. The Clerk is directed to file the lodged amended reply. It is

**FURTHER ORDERED** that the motion to strike the response of respondent Securus Technologies be denied. Petitioner has now been served with a copy of that response. It is

**FURTHER ORDERED** that the motion to appoint counsel be denied. In civil cases, petitioners are not entitled to appointment of counsel where they have not demonstrated sufficient likelihood of success on the merits. It is

**FURTHER ORDERED** that the petition for writ of mandamus be denied. Petitioner has not demonstrated a "clear and indisputable" right to relief. Cheney v. U.S. Dist. Court of Dist. of Columbia, 542 U.S. 367, 381 (2004). Petitioner asserts that he is currently being charged a per-minute rate for inmate calling services that exceeds the rate caps established by the Federal Communications Commission for such services. The rates being charged, however, do not exceed the interim rate caps established by the Commission in 2013, and petitioner has not demonstrated that any other rate caps are currently in effect following this court's decision in Global TelLink v. FCC, 866 F.3d 397 (D.C. Cir. 2017). It is

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**FURTHER ORDERED** that the motion to compel respondents to pay petitioner's litigation costs be denied.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.

**Per Curiam**